In the Claims:

Please amend claims 1, 2, 9-13 and 18, and add new claims 19 and 20. The status of the claims is as follows:

1. (Currently Amended) A data recording method for calculating a digital sum value (DSV) corresponding to a proportion of positive data and negative data included in predetermined data ranges, selecting a resync pattern to be inserted between the data ranges according to the DSV, and inserting the selected resync pattern between the data ranges, the data recording method comprising:

a step of selecting a resync pattern that minimizes differences in DSV between the data ranges.

2. (Currently Amended) The data recording method as claimed in claim 1, comprising the steps of:

calculating a first DSV of a first data range;

calculating a second DSV of both a second data range continuous with the first data range and a first resync pattern;

calculating a third DSV of the second data range and a second resync pattern;

selecting either the second or the third DSV depending on ~~whichever~~ which differs ~~less~~ least from the first DSV; and

3

inserting either the first resync pattern or the second resync pattern between the first data range and the second data range depending on either the second DSV or the third DSV, whichever is selected.

3.   (Original) The data recording method as claimed in claim 2, wherein the second resync pattern inverts the positive data and the negative data included in the second data range.

4.   (Original) The data recording method as claimed in claim 2, wherein the step of selecting either the second or the third DSV depending on whichever differs least from the first DSV involves selecting either the second DSV or the third DSV whenever the difference between either the second or third DSV and the first DSV is less than a predetermined value.

5-8.   (Canceled).

9.   (Currently Amended) A data recording device for calculating a digital sum value (DSV) corresponding to a proportion of positive data and negative data included in predetermined data ranges, selecting a resync pattern to insert between the data ranges according to the DSV, and inserting the selected resync pattern between the data ranges, the data recording device comprising:

a unit for selecting a resync pattern that minimizes differences in DSV between the data ranges.

10. (Currently Amended) The data recording device as claimed in claim 9, comprising:

a first calculating unit for calculating a first digital sum value (DSV) of a first data range;

a second calculating unit for calculating a second DSV of both a second data range continuous with the first data range and a first resync pattern;

a third calculating unit for calculating a third DSV of the second data range and a second resync pattern;

a selecting unit for selecting either the second or the third DSV depending on ~~whichever~~ which differs ~~less~~ least from the first DSV; and

an inserting unit for inserting either the first resync pattern or the second resync pattern between the first data range and the second data range depending on either the second DSV or the third DSV, ~~whichever is~~ selected.

11. (Currently Amended) The data recording device as claimed in ~~claim 9~~ claim 10, wherein the second resync pattern inverts the positive data and the negative data included in the second data range.

5

12.   (Currently Amended) The data recording device as claimed in ~~claim 9~~ claim 10, wherein either the second DSV or the third DSV is selected whenever the difference between either the second or third DSV and the first DSV is less than a predetermined value.

13.   (Currently Amended) The data recording device as claimed in ~~claim 9~~ claim 10, further comprising a data range setting unit for setting a range of data to be used for calculating the first, second and third DSV.

14-17. (Canceled).

18.   (Currently Amended) An optical recording medium on which data is recorded, comprising:

~~the data having~~ a resync pattern inserted between predetermined data ranges according to a digital sum value (DSV) corresponding to a proportion of positive data and negative data included in the data ranges, the resync pattern being such as to minimize differences in DSV between the data ranges.

19.   (New) A data recording method for calculating a digital sum value (DSV) corresponding to a proportion of positive data and negative data included in predetermined data ranges, selecting a resync pattern that minimizes differences in DSV

between the data ranges, and inserting the selected resync pattern between the data ranges,

the data recording method comprising:

calculating a first DSV of a first data range;

calculating a second DSV of both a second data range continuous with the first

data range and a first resync pattern;

calculating a third DSV of the second data range and a second resync pattern;

selecting either the second or the third DSV which differs least from the first

DSV; and

inserting either the first resync pattern or the second resync pattern between the

first data range and the second data range depending on either the second DSV or the third

DSV selected.

20. (New) A data recording device for calculating a digital sum value

(DSV) corresponding to a proportion of positive data and negative data included in

predetermined data ranges, selecting a resync pattern that minimizes differences in DSV

between the data ranges, and inserting the selected resync pattern between the data ranges,

the data recording device comprising:

a first calculating unit for calculating a first digital sum value (DSV) of a first

data range;

a second calculating unit for calculating a second DSV of both a second data

range continuous with the first data range and a first resync pattern;

7

a third calculating unit for calculating a third DSV of the second data range and a second resync pattern;

a selecting unit for selecting either the second or the third DSV which differs least from the first DSV; and

an inserting unit for inserting either the first resync pattern or the second resync pattern between the first data range and the second data range depending on either the second DSV or the third DSV selected.

<u>In the Drawings</u>:

Attached sheets of drawings include changes to Fig. 1 and Fig. 3.

Attachment: (2) Replacement sheets
(2) Annotated Sheet Showing Changes